

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 888

Session of
1983

INTRODUCED BY SALOOM, PETRARCA, DALEY, GEORGE, WACHOB, FEE,
CLARK, OLASZ, COLE, VAN HORNE, KOSINSKI, KASUNIC,
F. E. TAYLOR, SWEET, FREEMAN AND WAMBACH, APRIL 27, 1983

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 27, 1983

AN ACT

1 Amending the act of December 5, 1936 (2nd Sp.Sess., 1937
2 P.L.2897, No.1), entitled "An act establishing a system of
3 unemployment compensation to be administered by the
4 Department of Labor and Industry and its existing and newly
5 created agencies with personnel (with certain exceptions)
6 selected on a civil service basis; requiring employers to
7 keep records and make reports, and certain employers to pay
8 contributions based on payrolls to provide moneys for the
9 payment of compensation to certain unemployed persons;
10 providing procedure and administrative details for the
11 determination, payment and collection of such contributions
12 and the payment of such compensation; providing for
13 cooperation with the Federal Government and its agencies;
14 creating certain special funds in the custody of the State
15 Treasurer; and prescribing penalties," further providing for
16 the rate and amount of compensation.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. Section 404(d) of the act of December 5, 1936
20 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
21 Compensation Law, amended July 10, 1980 (P.L.521, No.108), is
22 amended to read:

23 Section 404. Rate and Amount of Compensation.--Compensation
24 shall be paid to each eligible employe in accordance with the

1 following provisions of this section except that compensation
2 payable with respect to weeks ending in benefit years which
3 begin prior to the first day of October, one thousand nine
4 hundred seventy-one shall be paid on the basis of the provisions
5 of this section in effect at the beginning of such benefit
6 years.

7 * * *

8 (d) Notwithstanding any other provisions of this section
9 each eligible employee who is unemployed with respect to any week
10 ending subsequent to the first day of July, one thousand nine
11 hundred eighty, shall be paid, with respect to such week,
12 compensation in an amount equal to his weekly benefit rate less
13 the total of (i) the remuneration, if any, paid or payable to
14 him with respect to such week for services performed which is in
15 excess of his partial benefit credit; (ii) vacation pay, if any,
16 which is in excess of his partial benefit credit, except when
17 paid to an employee who is permanently or indefinitely separated
18 from his employment and (iii) an amount equal to the amount of a
19 governmental or other pension, except a pension received by an
20 honorably discharged or disabled veteran of the United States
21 Armed Forces, retirement or retired pay, annuity, or any other
22 similar periodic payment which is based on the previous work of
23 such individual, which is reasonably attributable to such week,
24 in accordance with this subsection. The balance in the employee's
25 compensation account as indicated in Part D of the table
26 contained in subsection (e) shall be reduced by his weekly
27 benefit amount without regard to the pension deduction provided
28 herein: Provided, however, That notwithstanding section 804, any
29 overpayment that occurs as a result of the retroactive
30 implementation of the changes made in this subsection of this

1 amendatory act shall be established as nonfault nonrecoupable.
2 The provisions of this subsection shall be applicable whether or
3 not such vacation pay, retirement pension or annuities, or wages
4 are legally required to be paid. If such retirement pension or
5 annuity payments deductible under the provisions of this
6 subsection are received on other than a weekly basis, the amount
7 thereof shall be allocated and pro-rated in accordance with the
8 rules and regulations of the department. Vacation pay, or other
9 remuneration deductible under the provisions of this subsection
10 shall be pro-rated on the basis of the employee's normal full-
11 time weekly wage and as so pro-rated shall be allocated to such
12 period or periods of unemployment as shall be determined by
13 rules and regulations of the department. Such compensation, if
14 not a multiple of one dollar (\$1.00), shall be computed to the
15 next higher multiple of one dollar (\$1.00).

16 * * *

17 Section 2. This act shall take effect in 60 days.